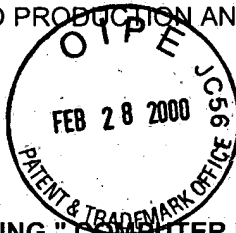


## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Shuji Hinuma, et al

Serial No.: 09/207,168      Group No.: 1646  
Filed: December 7, 1998      Examiner: D. Romeo  
For: NOVEL PEPTIDES AND PRODUCTION AND USE THEREOF

Box Sequence  
Assistant Commissioner for Patents  
Washington, D.C. 20231



SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY, AND/OR  
AMENDMENT PERTAINING THERETO FOR BIOTECHNOLOGY INVENTION  
CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE

(check and complete this item, if applicable)

1. ☒ This replies to the Office Action mailed December 22, 1999

☒ A copy of the Office Letter is enclosed.

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**CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service in an envelope addressed to the  
Assistant commissioner for Patents, Washington, D.C. 20231

37 CFR 1.8 (a)

37 CFR 1.10\*

☒ with sufficient postage as first class mail.    ☐ as "Express Mail Post Office to  
Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: February 22, 2000

  
Signature

Holly F. Malarney

(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by Express Mail must have the number of the  
"Express Mail" mailing label placed thereon prior to mailing. 37 C. F. R. 1.10(b). "Since the  
filing of correspondence under §1.10 without the Express Mail mailing label thereon is an  
oversight that can be avoided by the exercise of reasonable care, requests for waiver of this  
requirement will **not** be granted on petition. "Notice of Oct.24, 1996, 60 Fed. Reg. 56,439, at  
56,442.

(Submission--Nucleotide and/or Amino Acid Sequence [9-37]--page 1 of 6)

03/02/2000 TLUH11 00000003 09207169

01 FC:115

110.00 00

## IDENTIFICATION OF DECLARANT

2. I, Cara Z. Lowen  
(type or print name of declarant signing below)

state the following:

## ITEMS BEING SUBMITTED

3. Submitted herewith is/are

*(check each item as applicable)*

- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.
- B. ☐ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. § 1.821(d).
- C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824.
- D. ☐ Please transfer to this application, in accordance with 37 C.F.R. § 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:

Serial No.: /

Group No.:

Filed:

Examiner:

For:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form

"Sequence Identifier"

(other application)

(this application)

(Submission--Nucleotide and/or Amino Acid Sequence [9-37]--page 2 of 6)

NOTE: "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference maybe made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified" 37 C.F.R. 1.821(e)

- E. ☒ [X] A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821(g).
- ☐ [X] Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. § 1.821(b).
- F. ☒ [X] Because this submission is made in fulfilling the requirement under 37C.F.R. § 1.821(g), a statement that the submission includes no new matter.
- ☐ [X] Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. § 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING" AND COMPUTER READABLE COPY ARE THE SAME AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:  
*(complete applicable item A and/or B)*
- A. ☐ [ ] Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.
- B. ☒ [X] All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

**VERIFICATION**

5. NOTE: "Such a statement must be verified statement if made by a person not registered to practice before the Office." 37 C.F.R. § 1.821(f) and (g).
- ☐ [ ] I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**STATUS**

6. Applicant is
- ☐ [ ] a small entity. A verified statement:  
☐ [ ] is attached.  
☐ [ ] was already filed.  
☐ [ ] will follow.
- ☒ [X] other than a small entity.

## FEE DEFICIENCY

10.

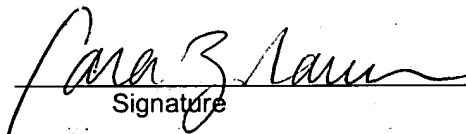
NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

11. ☒ If any additional extension and/or fee is required, charge  
Account No. 04-1105

### SIGNATURE(s)

Cara Z. Lowen

(type or print name of person signing declaration)

  
Signature

Dike, Bronstein, Roberts & Cushman, LLP  
130 Water Street  
Boston, MA 02109  
Telephone No. (617) 523-3400

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Person authorized to sign on behalf of assignee  
☐ Practitioner of record  
☒ Filed under Rule 34(a)  
☒ Registration No. 38,227  
☐ Other \_\_\_\_\_  
(specify identity of declarant)

(complete the following, if applicable)

\_\_\_\_\_  
(type name of assignee)

Address of assignee  
\_\_\_\_\_

\_\_\_\_\_  
Title of person authorized to sign on behalf of assignee

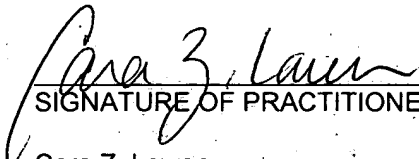
A "CERTIFICATE UNDER 37 C.F.R. 3.73(b)" is attached.

Assignment recorded TO on \_\_\_\_\_

Reel \_\_\_\_\_ Frame \_\_\_\_\_

Reg. No.: 38,227

Tel. No.: (617) 523-3400

  
SIGNATURE OF PRACTITIONER

Cara Z. Lowen  
(type or print name of practitioner)

DIKE, BRONSTEIN, ROBERTS &  
CUSHMAN, LLP

130 Water Street

Boston, MA 02109-4280

(Submission--Nucleotide and/or Amino Acid Sequence [9-37]--page 6 of 6)

133038



Docket No.: 48811(342)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Shuji Hinuma, et al.

EXAMINER: D. Romeo

SERIAL NO.: 09/207,168

GROUP: 1643

FILED: December 7, 1998

FOR: NOVEL PEPTIDES AND PRODUCTION AND USE THEREOF

Honorable Commissioner of Patents  
and Trademarks  
Washington, DC 20231

Sir:

CERTIFICATE OF MAILING

I hereby certify that this NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES and its accompanying SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY, AND/OR AMENDMENT PERTAINING THERETO FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE (Transmittal), STATEMENTS IN SUPPORT OF FILING AND SUBMISSIONS IN ACCORDANCE WITH 37 CFR §§1.821-1.825, SEQUENCE LISTING COMPUTER PRINTOUT, 3.5" FLOPPY DISK CONTAINING THE SEQUENCE LISTING, PRELIMINARY AMENDMENT AND PAPER COPY OF SEQUENCE LISTING WITH PAGE NUMBERS 1-31, are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to BOX SEQUENCE, Commissioner of Patents and Trademarks, Washington, DC 20231, on this 22<sup>ND</sup> day of February, 2000.

  
Holly F. Malarney

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

VB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/207,168 12/07/98 HINUMA

S 48811

DAVID G. CONLIN  
DIKE, BRONSTEIN, ROBERTS & CUSHMAN  
130 WATER STREET  
BOSTON MA 02109

HM23/1222

EXAMINER

ROMEOD, D

ART UNIT

PAPER NUMBER

1646

4

DATE MAILED:

12/22/99

RECEIVED

DEC 27 1999

DIKE BRONSTEIN  
ROBERTS CUSHMAN

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

*Sequence Listing*  
DIKE, BRONSTEIN, ROBERTS & CUSHMAN, LLP  
130 Water St. Boston, MA 02108  
Date Rec'd 12/27/99  
Docketed For Jan 22 - Jun 22, 2000  
By X/A  
Approved to 12/28/99



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: Commissioner of Patents and Trademarks  
Washington, D.C. 20231

09207168

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER NUMBER

4

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Romeo whose telephone number is (703) 305-4050. The examiner can normally be reached on Monday through Friday from 6:45 a.m. to 3:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Hutzell, can be reached on (703) 308-4310.

Official papers filed by fax should be directed to (703) 308-4242.

Faxed draft or informal communications should be directed to the examiner at (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

*David S. Romeo*

DAVID ROMEO  
PATENT EXAMINER

December 19, 1999



**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- ☒ An initial or ~~substitute~~ computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**